

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Los Angeles to Pasadena Metro Blue Line Construction Authority (dba Metro Gold Line Foothill Extension Construction Authority) for an order authorizing the construction of two light rail transit tracks at one at-grade pedestrian crossing at the **Monrovia Light Rail Transit Station**, in the City of Monrovia in the County of Los Angeles, California.

Application 07-06-013
(Filed June 11, 2007;
Petition for Modification filed
February 4, 2013)

ORDER MODIFYING DECISION 08-01-014

Summary

By a Petition for Modification filed on February 4, 2013, the Los Angeles to Pasadena Metro Blue Line Construction Authority (now known as Metro Gold Line Foothill Extension Construction Authority) requests modification of Decision 08-01-014. Decision 08-01-014 granted the Metro Gold Line Foothill Extension Construction Authority authorization to construct an at-grade pedestrian crossing (CPUC Crossing No. 84P-18.40-P) at the Monrovia Light Rail Transit Station (Monrovia Station), in the City of Monrovia, County of Los Angeles.

Discussion

Metro Gold Line Foothill Extension Construction Authority (Foothill Construction Authority) filed its original Application 07-06-013 on June 11, 2007. The Commission issued Decision (D.) 08-01-014 on January 10, 2008. Time

extensions were granted by Resolutions TED-239 on January 21, 2010 and TED-249 on January 23, 2012. TED-249 is set to expire on February 20, 2015.

The Foothill Construction Authority has made refinements to the overall project which affects the previously authorized at-grade pedestrian crossing (crossing) design. These refinements are based in large part by further coordination with its design-build contractor. The refinements entail relocation of the Monrovia Station and corresponding pedestrian crossing west by approximately 189 feet. This design change benefited the project by achieving tangent track through the adjacent at-grade crossing at Myrtle Avenue, and eliminated a reverse super elevation of the track, which in turn resulted in a much smoother grade crossing surface.

The pedestrian crossing will continue to traverse a total of two light rail transit (LRT) tracks and provide access to the southernmost platform. The following modifications are described in greater detail in Foothill Construction Authority's Petition for Modification and depicted in revised Exhibits B and C, attached to the filing:

1. Relocate the Monrovia Station pedestrian crossing 189 feet west from the previously approved location, to mile post 18.36.
2. Relocate the Americans with Disabilities Act (ADA)-compliant standard detectable warning tactile strips on the pathway approaches on the pedestrian crossing.
3. Change the Commission Crossing Identification Number to CPUC Crossing No. 84P-18.36-D, to reflect the new mile post location of the pedestrian crossing.

The project is a design-build contract with limited notice to proceed issued on November 2011 and full notice to proceed on April 2012. The Foothill Construction Authority is scheduled to commence construction in 2013.

Environmental Review and CEQA Compliance

The California Environmental Quality Act of 1970 (CEQA), as amended, in 1982) as stated in Public Resources Code Section 21000, et seq. applies to discretionary projects to be carried out or approved by public agencies. A basic purpose of CEQA is to inform governmental decision-makers and the public about potential, significant environmental effects of the proposed activities. The Commission must issue a discretionary decision in order for the project to proceed (i.e., the Commission must modify D.08-01-014, which authorized the project pursuant to Section 1202 of the Public Utilities Code); therefore, the Commission must consider the environmental consequences of the project by acting as either a lead or responsible agency under CEQA.

The lead agency is the public agency that carries out the project,¹ or the one with the greatest responsibility for supervising or approving the project as a whole.² Here, the Foothill Construction Authority is the lead agency for this project and the Commission is a responsible agency because it has jurisdiction to issue a permit for the project. As a responsible agency under CEQA, the Commission must consider the lead agency's environmental documents and findings before acting on or approving this project.³ As a responsible agency, the

¹ CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(a).

² CEQA Guidelines (Title 14 of the California Code of Regulations), Section 15051(b).

³ CEQA Guidelines, Sections 15050(b) and 15096.

Commission is responsible for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.⁴

D.08-01-014 reviewed and considered the combined Final Environmental Impact Statement/Report (FEIS/R) for Segment A of Phase II of the project to comply with the National Environmental Policy Act (NEPA) (42 U.S.C. Section 4321 et seq.) adopted by the Foothill Construction Authority and found them adequate for our decision-making purposes.

The Petition for Modification indicates since the original authorization Commission D.08-01-014 issued on January 10, 2008, the Foothill Construction Authority evaluated, prepared and issued two addenda and two supplements to the FEIR, dated 2007. Addendum #1 was dated August 26, 2009, and Addendum #2 was dated June 18, 2010. Supplemental #1 was dated January 18, 2011 and Supplemental #2 was dated January 25, 2012. The FEIS/R did not identify any impacts relative to the design refinements to the crossing or station relocation. The Foothill Construction Authority has determined that the proposed modifications are minor in nature, located within the existing rail right-of-way, and fall within the environmental clearance asserted in the FEIS/R for the project.

As noted in D.08-01-014, the Commission reviewed and considered the FEIS/R, and has now reviewed and considered the addenda and supplements to those documents and finds them adequate for our decision-making purposes.

⁴ CEQA Guideline Section 15096(g).

Filing Requirements and Staff Recommendation

The application is in compliance with the Commission's filing requirements.

The Commission's Rail Crossings Engineering Section reviewed and analyzed the plans submitted with the Petition to Modify and recommends that the Commission grant the Foothill Construction Authority's requests.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Assignment of Proceeding

Emory Hagan is the assigned Examiner in this proceeding.

Findings of Fact

1. The Petition for Modification of D.08-01-014 was published in the Commission's Daily Calendar on February 12, 2013.
2. The Foothill Construction Authority's Petition for Modification requests to modify the design approved by D.08-01-014 to the Monrovia Station pedestrian crossing, to be identified as CPUC Crossing No. 84P-18.36-D.
3. The Foothill Construction Authority proposes to relocate the Monrovia Station and associated pedestrian crossing to improve the orientation of the LRT tracks and crossing surface through the adjacent Myrtle Avenue vehicular crossing.
4. The new pedestrian crossing design complies with the crossing warning device requirements set forth in Commission General Order 75-D.

5. The pedestrian crossing pathway design and crossing surface will conform to ADA requirements.

6. Foothill Construction Authority is the lead agency for this project under CEQA and NEPA and adopted a FEIS/R in approving the project.

7. Since the initial authority was granted by D.08-01-014, the Foothill Construction Authority developed two addenda and two supplements to the FEIS/R.

8. Foothill Construction Authority has determined that the FEIS/R is adequate to address the proposed modifications identified in this decision.

9. The Commission is a responsible agency for the project under CEQA and in D.08-01-014 reviewed and approved the lead agency's FEIS/R.

Conclusions of Law

1. The FEIS/R, FEIS/R, addenda, and supplements prepared by the Foothill Construction Authority as the documentation required by CEQA and NEPA for the project are adequate for our decision-making purposes.

2. The FEIS/R and FEIS/R addenda and supplements were completed in compliance with CEQA.

3. The Petition for Modification is uncontested and a public hearing is not necessary.

4. The Petition for Modification to modify D.08-01-014 should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that Decision 08-01-014 is modified as follows:

1. The Metro Gold Line Foothill Extension Construction Authority is authorized to construct an at-grade pedestrian crossing at the Monrovia Station as described in the Petition for Modification and summarized as follows:
 - a) Metro Gold Line Foothill Extension Construction Authority shall relocate the Monrovia Station pedestrian crossing 189 feet west from the previously approved location to mile post 18.36.
 - b) Metro Gold Line Foothill Extension Construction Authority shall relocate the Americans with Disabilities Act-compliant standard detectable warning tactile strips on the pathway approaches on the crossing.
 - c) Change the Commission Crossing Identification Number to as CPUC Crossing No. 84P-18.36-D, to reflect the new mile post location of the Monrovia Station pedestrian crossing.
2. The Metro Gold Line Foothill Extension Construction Authority shall comply with all applicable rules, including California Public Utilities Commission General Orders, the United States Department of Transportation's Americans with Disabilities Act Standards for Transportation Facilities and the California Manual on Uniform Traffic Control Devices, published by the California Department of Transportation.
3. Within 30 days after completion of the work under this order, the Metro Gold Line Foothill Extension Construction Authority shall notify the California Public Utilities Commission's Rail Crossings Engineering Section, by submitting a completed California Public Utilities Commission Standard Form G titled *Report of Changes at Highway Grade Crossings and Separations*. Form G requirements and forms can be obtained at the Commission web site

Form G page at

<http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/formg>. This report may be submitted electronically to rces@cpuc.ca.gov as outlined on the web page.

4. In all other respects, California Public Utilities Commission Decision 08-01-014 shall remain in full force and effect.
5. The Petition for Modification is granted as set forth above.
6. Application 07-06-013 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.